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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER	
WONG, BLANCHE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/672,771	WANG ET AL.	
	Examiner	Art Unit	
	Blanche Wong	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. In view of the Appellant's Brief filed on August 28, 2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

DETAILED ACTION

Claim Objections

2. Claims 10-16,20-22 are objected to because of the following informalities:

With regard to claim 10, Examiner suggests replacing “for transmitting information” in line 17 with “to transmit information” in consistent with claim language.

With regard to claim 10, Examiner suggests replacing “said information” in line 22 with “said information from the client-side application" for clarity.

With regard to claim 10, Examiner suggests replacing "and for signaling ..." with ";and [starting a new paragraph] signaling …" in consistent with claim language.

With regard to claim 10, Examiner suggests spelling out CPE when used for the first time.

With regard to claim 16, Examiner suggests removing the extra word "an" in line 14.

With regard to claim 16, Examiner suggests replacing "for sending" in lines 11-12, "initiate" in line 13, "terminate" in line 14, and "logoff" in line 15, with "to send", "to initiate", "to terminate", and "to logoff" for consistency.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 16** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 16, it is unclear what is the limitation of the "means in said proxy signaling server" in line 16 because it is unclear whether the limitation "wherein said initiating said bandwidth-on-demand session …" in lines 16-19 is the same bandwidth-on-demand session in line 14 of said subscriber data processing system and

if so, that limitation should be within "means in said subscriber data processing system" in lines 11-15.

5. There is insufficient antecedent basis for this limitation in the claim.

Claim 10, line 23, "said CPE".

Claim 16, line 8, “said information”.

6. **Claim 16** is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: 1) between the subscriber in line 2 and CPE in line 3, and 2) between the remote content-provider data processing system in line 3 and the rest of the system.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 10-16 and 20-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (U.S. Pat No. 7,382,785).

With regard to claim 10, Chen discloses

a subscriber data-processing system **(source subscriber 10)** for providing a subscriber with access to said communication system **(Fig. 1) (*See Also* ATM network 16)**;

a digital subscriber line (DSL) modem **(ATU-R 12)** for modulating and demodulating data fro transmission over a local loop telephone line to a DSL multiplexer (DLSAM) **(DSLAM 14)**;

an asynchronous transfer mode (ATM) edge device **(ATM switch 15)** in communication with said DSLAM **(DSLAM 14)** for receiving data from and transmitting data over an ATM network **(ATM network 16)**;

a proxy signaling server **(proxy signaling server 35)** in communication with said subscriber data processing system **(source subscriber 10)**;

a content-provider data processing system **(destination subscriber 40)** in communication with said ATM network **(ATM network 16)** for providing broadband content to the subscriber **(source subscriber 10)**;

a client-side application **(subscriber SVC-enabled application 100, col. 9, line 26)** on said subscriber data processing system **(source subscriber 10)** for use by said subscriber **(source subscriber 10)**:

to login **(password/logs in)** to said proxy signaling server **(proxy signaling agent 35) ("The RADIUS server is provisioned with the user authentication information (username and password) ….", col. 5, line 22) (See Also "When a user logs in …", col. 8, lines 30-31)**,

to receive service advertising information **(results and status information)** due to said login **("After necessary information … is obtained from … the RADIUS server …. The proxy signaling agent is responsible for performing the SVC signaling and relaying results and status information ....", col. 5, lines 44-46)**,

to request a bandwidth-on-demand session after said receive **("a call admission control step to determine if sufficient available bandwidth exists", col. 5, lines 36-37)**, and

to transmit information **(necessary information)** to said proxy signal server **(proxy signaling agent)** in response to said request **("If sufficient bandwidth is available, then ... sends the SVC request and the necessary information to a proxy signaling agent", col. 5, lines 41-44)**; and

a connection-management application **(proxy signaling agent 35)** on said proxy signaling server for:

providing service advertising information **(results and status information)** to said client-side application **(subscriber SVC-enabled application 100, col. 9, line 26) (*See Also* source subscriber 10)** due to said login **(password/logs in) ("The RADIUS server is provisioned with the user authentication information (username and**

password) ….", col. 5, line 22) (See Also "When a user logs in …", col. 8, lines 30-31), and

receiving said information from the client-side application **(receiving the necessary information)** to establish one or more switched virtual circuits (SVCs) **(initiate an SVC)** from said CPE **(source subscriber 10)** to said content-provider data processing system **(destination subscriber 40) ("After receiving the necessary information, the proxy signaling agent communicates with the requesting subscriber's edge switch to initiate an SVC ….", col. 5, lines 52-55)**.

With regard to claim 11, Chen further discloses bridge mode **(bridge mode, col. 5, line 67)**.

With regard to claim 12, Chen further discloses UNI signaling **(UNI, col. 2, line 43) (*See Also* starting col. 12, line 35)**.

With regard to claim 13, Chen further discloses a web browser plug-in **(HTTP input, col. 9, line 45)**.

With regard to claim 14, Chen further discloses a dialer application **(command line API input, col. 9, line 45)**.

With regard to claim 15, Chen further discloses an ATM switch **(ATM switch 15)**.

With regard to claim 16, Chen discloses

a subscriber data-processing system **(source subscriber 10)** for use by a subscriber to transmit and receive data to and from a remote content-provider data processing system **(destination subscriber 40)**;

client premise equipment (CPE) **(ATU-R 12)** in communication with said subscriber data processing system **(source subscriber 10)** for transmitting and receiving said data over a local loop to a DSL multiplexer (DLSAM) **(DSLAM 14)**;

an asynchronous transfer mode (ATM) edge device **(ATM switch 15)** in communication with said DSLAM **(DSLAM 14)** for transmitting and receiving data over an ATM network **(ATM network 16)**;

a proxy signaling server **(proxy signaling server 35)** in communication with said subscriber data processing system **(source subscriber 10)** and said ATM edge device **(ATM switch 15)**;

means **(subscriber SVC-enabled application 100, col. 9, line 26)** in said subscriber data processing system **(source subscriber 10),** responsive to said subscriber **(source subscriber 10)**, to send a request to said proxy signaling server to login **(password/logs in)** to said proxy signaling server **(proxy signaling agent 35) ("The RADIUS server is provisioned with the user authentication information (username and password) ….", col. 5, line 22) (See Also "When a user logs in …", col. 8, lines 30-31)**, to receive service advertising information **(results and status information)** from said proxy signaling server due to said login **("After necessary**

information … is obtained from … the RADIUS server …. The proxy signaling agent is responsible for performing the SVC signaling and relaying results and status information ....", col. 5, lines 44-46), to initiate a bandwidth-on-demand session after said receive **("a call admission control step to determine if sufficient available bandwidth exists", col. 5, lines 36-37)**, to terminate **(disconnect)** said bandwidth-on-demand session **("the subscriber SVC-enabled application sending a disconnect request to the connection server", col. 11, lines 9-10)** and to log off from said proxy signaling server after said termination **(to tear down, col. 5, line 49)**; and

means **(proxy signaling agent 35)** in said proxy signaling server, responsive to said requests, wherein said initiating said bandwidth-on-demand session creates one or more Switched Virtual Circuits (SVCs) **(initiate an SVC)** between said subscriber data processing system **(source subscriber 10)** and said content-provider data processing system **(destination subscriber 40) ("After receiving the necessary information, the proxy signaling agent communicates with the requesting subscriber's edge switch to initiate an SVC ….", col. 5, lines 52-55)**.

With regard to claim 20, Chen further discloses a password **(password)** and customer identifier **(username) ("The RADIUS server is provisioned with the user authentication information (username and password) ….", col. 5, line 22)**.

With regard to claim 21, Chen further discloses a termination of said created one or more SVCs is initiated via said client-side application **(the subscriber SVC-enabled**

application) ("the subscriber SVC-enabled application sending a disconnect request to the connection server", col. 11, lines 9-10).

With regard to claim 22, Chen further discloses a logoff **(to tear down, col. 5, line 49)**.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sreehharan et al. (US 2002/0057700) in view of Soirinsuo et al. (U.S. Pat No. 6,032,272).

With regard to claim 1, Sreedharan discloses

establishing a default connection **(dedicated line)** between a subscriber data processing system and a content-provider data processing system **(two endpoints)**, said default connection **(dedicated line)** comprising an asynchronous transfer mode (ATM) permanent virtual circuit (PVC) **(PVC) ("A PVC connection is a virtual circuit that provides the equivalent of a dedicated line over a packet switched network between two endpoints", para. 0029])**; and

ending **(last as long as)** said bandwidth-on-demand session **(when data must be transferred across a network)** by terminating **(broken down)** said one or more SVCs **(SVC) ("In contrast to a PVC connection, a SVC connection is a virtual circuit that is established only when data must be transferred across a network. An SVC connection lasts only as long as the data transferred and is broken down as soon as the transfer is complete", para. [0030])**.

Sreedharan further discloses subscribers **(ATM users in Fig. 1)**. However, Sreedharan discloses initiating a bandwidth-on-demand session via a subscriber, said bandwidth-on-demand session creates one or more switched virtual circuits (SVCs) between said subscriber data processing system and said content-provider data processing system to supplement the bandwidth of said default connection.

Soirinsuo discloses

initiating a bandwidth-on-demand session **(bandwidth-on-demand)**, said bandwidth-on-demand session creates one or more switched virtual circuits (SVCs) **(the use of SVCs)** between said subscriber data processing system and said content-provider data processing system **(See Also "a virtual connection from origination to destination", col. 1, lines 52-53)** to supplement the bandwidth of said default connection **("ATM also provides bandwidth-on-demand through the use of SVCs", col. 2, lines 7-8)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine initiating a bandwidth-on-demand session, said bandwidth-on-demand session creates one or more switched virtual circuits (SVCs) between said subscriber data processing system and said content-provider data processing system to supplement the bandwidth of said default connection as taught in Soirinsuro with Sreedharan in order to provide for bandwidth efficiency using bandwidth-on-demand.

11. **Claims 2-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sreedharan and Soirinsuo as applied to claim 1 above, and further in view of Cunetto et al. (U.S. Pat No. 7,307,993).

With regard to claim 2, the combination of Sreedharan and Soirinsuo discloses the method of claim 1. However, the combination fails to explicitly show sending a message from said subscriber data processing system to a proxy signaling server comprising information related to said bandwidth-on-demand session and, in response to said message, sending a message from said proxy signaling server to an ATM edge device to create one or more SVCs between said subscriber data processing system and said content-provider data processing system.

Cunetto discloses

sending a message **(request)** from said subscriber data processing system **(the end system)** to a proxy signaling server **(controller)** comprising information related to said bandwidth-on-demand session **(signaling)** and, in response to said message,

sending a message **(instruct)** from said proxy signaling server **(controller)** to an ATM edge device **(ATM switch)** to create one or more SVCs **(set up an SVC connection)** between said subscriber data processing system and said content-provider data processing system **("The ATM switch receives an ATM SVC connection request from the end system. … The ATM switch receives signaling, associated with the request, ... forwards the signaling to the controller. ... The controller communicates proxy signals … to instruct the switch to set up an SVC connection in response to the request received ...", col. 3, lines 42-55) (*See Also* Fig. 3, col. 8, line 26-col. 9, line 11)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine sending a message from said subscriber data processing system to a proxy signaling server comprising information related to said bandwidth-on-demand session and, in response to said message, sending a message from said proxy signaling server to an ATM edge device to create one or more SVCs between said subscriber data processing system and said content-provider data processing system as taught by Cunetto with Sreedharan and Soirinsuo in order to provide for service control and integration.

With regard to claim 3, the combination of Sreedharan, Soirinsuo and Cunetto discloses the method of claim 2.

Cunetto further discloses data for authenticating said subscriber **(access right) ("the subscribers' service features and limits, and access rights and limits", col. 8, lines 33-34)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine data for authenticating said subscriber, as taught in Cunetto, with Sreedharan and Soirinsuo, to provide for system security.

With regard to claim 4, the combination of Sreedharan, Soirinsuo and Cunetto discloses the method of claim 2.

Cunetto further discloses UNI signals **(UNI) (UNI setup request, col. 8, lines 28-29 and UNI proxy setup request, col. 8, lines 36-37)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine UNI signals, as taught in Cunetto, with Sreedharan and Soirinsuo, to provide for better communication.

With regard to claim 5, the combination of Sreedharan, Soirinsuo and Cunetto discloses the method of claim 2.

The combination does not explicitly show an ending step comprises sending a message from said subscriber data processing system to a proxy signaling server comprising an instruction to end said bandwidth-on-demand session and, in response to said message, sending a message from said proxy signaling server to an ATM edge device to terminate said one or more SVCs.

Official notice is taken that an ending step reverses the initiating step is well-known.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to reverse the initiating step in claim 2 to provide for the ending step in claim 5, in order to provide for a complete transaction.

With regard to claim 6, the combination of Sreedharan, Soirinsuo and Cunetto discloses the method of claim 2.

Cunetto further discloses said ATM edge device comprises an ATM switch **(edge switch, col. 8, line 29, and ATM edge switch, col. 8, line 38) (*See Also* edge switch in Fig. 2 and 3)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine an ATM edge switch, as taught in Cunetto, with Sreedharan and Soirinsuo, to provide for better communication.

With regard to claim 7, the combination of Sreedharan, Soirinsuo and Cunetto discloses the method of claim 6.

Cunetto further discloses a client-side application **(the subscriber's application, col. 11, line 43)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine a client-side application, as taught in Cunetto, with Sreedharan and Soirinsuo, to provide for better communication.

12. **Claims 17-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sreedharan, Soirinsuo and Cunetto as applied to claim 2 above, and further in view of Chen et al. (U.S. Pat No. 7,382,785).

With regard to claim 17, the combination of Sreedharan, Soirinsuo and Cunetto discloses the method of claim 2. However, the combination fails to explicitly show logging onto to a proxy signaling server via a subscriber of said subscriber data processing system; and providing service advertising information to said subscriber from the proxy signaling server in response to a successful login, wherein initiating said bandwidth-on-demand session is after said providing of said service advertising information.

Chen discloses

logging **(password/logs in)** onto to a proxy signaling server **(proxy signaling agent 35 in Fig. 1)** via a subscriber **(username/user) (*See Also* source subscriber 10 in Fig. 1)** of said subscriber data processing system **("The RADIUS server is provisioned with the user authentication information (username and password) ….", col. 5, line 22) (See Also "When a user logs in …", col. 8, lines 30-31)**; and

providing service advertising information **(results and status information)** to said subscriber from the proxy signaling server **(proxy signaling agent)** in response to a successful login **("After necessary information … is obtained from … the RADIUS**

server …. The proxy signaling agent is responsible for performing the SVC signaling and relaying results and status information ....", col. 5, lines 44-46),

wherein initiating said bandwidth-on-demand session **(initiate an SVC)** is after said providing of said service advertising information **(After receiving the necessary information) ("After receiving the necessary information, the proxy signaling agent communicates with the requesting subscriber's edge switch to initiate an SVC ….", col. 5, liens 52-55)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine logging onto to a proxy signaling server via a subscriber of said subscriber data processing system; and providing service advertising information to said subscriber from the proxy signaling server in response to a successful login, wherein initiating said bandwidth-on-demand session is after said providing of said service advertising information as taught in Chen, with Sreedharan, Sorinsuo and Cunetto, for the benefit of bandwidth efficiency using bandwidth-on-demand.

With regard to claim 18, the combination of Sreedharan, Soirinsuo, Cunetto and Chen discloses the method of claim 17.

Chen further discloses updating a route table of said subscriber data processing system **(routing tables are updated in both subscribers, col. 5, line 64)** via the proxy signaling server **(proxy signaling agent)** in response to said creation of said one or more SVCs **(once the SVC is set up) ("Once the SVC is set up, the proxy signaling agent 35 informs the connection server, then the connection server sends a**

message to both subscribers", col. 5, line 59-61) and in order to route traffic over the newly created said one or more SVCs **("so that QoS application packets can be sent over the new QoS connection", col. 5, lines 65-67)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine updating a route table of said subscriber data processing system via the proxy signaling server in response to said creation of said one or more SVCs and in order to route traffic over the newly created said one or more SVCs as taught in Chen, with Sreedharan, Sorinsuo and Cunetto, for the benefit of bandwidth efficiency using bandwidth-on-demand.

With regard to claim 19, the combination of Sreedharan, Soirinsuo, Cunetto and Chen discloses the method of claim 2.

Chen further discloses said ending of said bandwidth-on-demand session is by said subscriber **(the subscriber SVC-enabled application) ("the subscriber SVC-enabled application sending a disconnect request to the connection server", col. 11, lines 9-10)**.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine said ending of said bandwidth-on-demand session is by said subscriber as taught in Chen, with Sreedharan, Sorinsuo and Cunetto, for the benefit of bandwidth efficiency using bandwidth-on-demand.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blanche Wong/
Examiner, Art Unit 2419
December 9, 2008

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2419